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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,011	08/23/2001	Brian C. Ford	1168	9866

23518 7590 04/17/2003

BREED TECHNOLOGIES, INC
PATENT DEPARTMENT
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STERLING HEIGHTS, MI 48314

EXAMINER

KIM, EUGENE LEE

ART UNIT	PAPER NUMBER
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3721

DATE MAILED: 04/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,011

Applicant(s)

FORD, BRIAN C.

Examiner

Eugene Kim

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ..

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 8-10, 12-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kleeberger et al (#6,248,052) in view of Cumming (#6,503,275). Kleeberger et al show a folding apparatus including a tube 24, a ram 22 that is moveable through tube 24, clam shell holding means 130 for holding and orienting the cover 126 for compressing the airbag 10 and housing 23 into the cover. The airbag is attached into the cover via a retaining ring 16 which reads on being riveted together or snapped together. Kleeberger shows the cover support member 32 that is proximate the first end of tube 24 as shown in figures 1c, 1d. Since there are two members 32 which are both movable, this reads on two cover support members. The barrier as claimed is shown in figure 1c wherein no contaminants are going to enter the inner surfaces of the tube means 24. Kleeberger shows the ram means moving in a slot means 12 but it is not in the tube means as claimed. Little patentable weight is given to the location of parts, such as, the location of the slot/channel means unless there is some criticality or unexpected result from the location. See in re Japikse, 86 USPQ 70 (CCPA 1950). Kleeberger does not show the curved tube and the pivoting ram as claimed. Cumming shows an apparatus that folds a workpiece into a compact folded

configuration (col 2 lines 1+). Cumming shows the compression by ram means 36 that engage a curved arcuate wall as disclosed in col 6 lines 28+. The curved tube is upwardly and downwardly as shown in figure 20. Cumming discloses the folding or curling by an inward movement of the ram creates optimum folding or curling (col 3 lines 52+). Since the ram is moving about a curved path, the examiner infers that the ram is moving in a radial manner. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Kleeberger et al with ram moving means as taught by Cumming to provide for optimal folding. Regarding the ram being pivotable, the examiner takes official notice that it is well known in the art to pivot elements for adjustability.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

4. Claims 5-7, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eugene Kim whose telephone number is (703)308-1886. The examiner can normally be reached on Tuesday-Friday 7:30 a.m - 6:00 p.m.

The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1148.

A handwritten signature in black ink, appearing to read 'Eugene Kim', with a stylized flourish at the end.

Eugene Kim
April 10, 2003